IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO.1029 OF 2000

IN

SUMMONS FOR JUDGMENT NO.339 OF 1999

IN

SUMMARY SUIT NO.4191 OF 1998

AND

SUMMONS FOR JUDGMENT NO.339 OF 1999

IN

SUMMARY SUIT NO.4191 OF 1998

AND

NOTICE OF MOTION NO.903 OF 2001

IN

APPEAL NO.1029 OF 2000

Tuticorin Textiles Pvt.Ltd. ...Appellant.

vs.

Kotak & Company Pvt.Ltd. ...Respondent.

Ms.Uma Shrivastav i/b. M/s.Consulta Juris, for Appellant.

Mr.Mahajan i/b. Divekar & Co., for Respondent.

CORAM: D.K.DESHMUKH &

J.H.BHATIA, JJ.

DATED: 9th August,2007.

P.C.:-

By consent of parties, the order impugned in the appeal is set aside. By consent of parties, the summons for judgment no.339 of 1999 is disposed of in the following terms:-

1. The defendant to deposit in this Court an amount of Rs.2,00,000/- (Rupees Two lakhs only) within a period of Six weeks from today, with due intimation to the plaintiff.

2. On the amount being deposited, leave to defend shall stand granted to the defendant. The defendant then shall file written statement within a period of six weeks from the date of deposit.

3. On the amount being deposited, the Prothonotary and Sr. Master of this Court shall

permit the plaintiff to withdraw the amount on furnishing bank guarantee of a nationalised bank and on giving an undertaking undertaking to this Court to re-deposit the amount, if so directed by this Court, on such terms and condition as may be directed by this Court, with further undertaking that in that event the rate of interest shall not be less than 12% per annum. Withdrawal shall be permitted within a period of six weeks from the date of deposit.

4. If the amount so deposited is not withdrawn within the aforesaid period, the Prothonotary and Sr. Master of this Court shall deposit that amount in a nationalised bank in fixed deposit to the credit of the suit.

5. If the defendant fails to deposit the amount within the aforesaid period, the suit of the plaintiff shall stand decreed in terms of prayer clause (a).

Appeal, summons for judgment no.339 of 1999 and the notice of motion no.903 of 2001 are disposed of.

(D.K.DESHMUKH, J.)

(J.H.BHATIA,J.)